

Purchasing Guidebook

Understanding How to Purchase
Goods and Services

at



THE UNIVERSITY OF
WINNIPEG

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Introduction

The main purpose of this Guidebook is to help understand the University of Winnipeg's purchasing policies and procedures and to give guidance on purchasing decision-making.

The guidebook's main focus is on sourcing-related decision-making since this has the broadest applicability across the University of Winnipeg and the complexity of sourcing-related decisions is highest. Therefore, the guidebook does not provide detailed guidance on all aspects of the purchasing process.

Please note the following, in particular:

- The guidebook is not a step-by-step procedure or instructions document.
- Specific positions where responsibilities fall have not been identified since job titles and responsibilities can vary across departments.
- The intent of the guidebook is to be aligned with the University of Winnipeg's policies and procedures.

1.0 Purchasing at the University of Winnipeg

The application of the Purchasing Policy and Purchasing Policy Procedures documents within the University of Winnipeg has the following core goals:

- 1) the use of sound purchasing practices to support the University of Winnipeg's objective of procuring goods and services that represent the highest overall value to the University;
- 2) the fostering of a fair and competitive purchasing environment in which goods and services are procured on behalf of the University of Winnipeg; and
- 3) compliance with applicable law, including regulatory requirements and directives.

To reach these goals the University of Winnipeg has:

- developed and implemented a [Purchasing Policy](#) and [Purchasing Policy Procedures](#);
- assigned clear responsibility for achieving the University's purchasing policy objectives;
- defined accountability for setting purchasing strategy and achieving purchasing results;
- implemented procedures in support of the application of consistent and professional standards in the purchasing of goods and services; and,
- committed to utilizing purchasing practices and processes that are transparent and open, and that are designed to ensure suppliers are treated with courtesy, fairness, respect, honesty, and professionalism.

1.1 Regulatory Requirements

The University of Winnipeg's purchasing activities are governed by legislation and trade agreements including:

1.1.1 Canadian Common Law

Under Canadian law, a contractual relationship will arise between an owner (such as the University of Winnipeg) and any respondent who submits a compliant bid in response to a Request for Proposal. This is known as "Contract A", or the bid contract. "Contract B", or the performance contract, arises when the owner awards the tendered work to a compliant respondent. Although the law surrounding Contract A/Contract B is complex, Contract A requires the University of Winnipeg to treat all respondents fairly and equally and to conduct the purchase per the terms and conditions set out in the purchasing documents (including process requirements and the stated evaluation criteria). Failure to do so may result in the University being exposed to costly and time-consuming legal claims.

1.1.2 New West Partnership Trade Agreement (NWPTA)

The [New West Partnership Trade Agreement](#) (NWPTA) is an accord between the Governments of Manitoba, Saskatchewan, Alberta, and British Columbia that creates Canada's largest, barrier-free, interprovincial market.

Under the NWPTA, the 4 Western provinces are the first jurisdictions in Canada to commit to full mutual recognition or reconciliation of their rules affecting trade, investment, or labour mobility to remove barriers to the free movement of goods, services, investment, and people within and between the four provinces.

The NWPTA came into effect on July 1, 2010, and has been fully implemented since July 1, 2013. It was initially signed by Saskatchewan, Alberta, and BC. Manitoba joined on January 1, 2017.

The NWPTA requires open and non-discriminatory procurement where the anticipated costs are at or above the established threshold amounts.

The NWPTA applies at or above the thresholds indicated below for procurements by Municipalities, school boards, health regions, and publicly-funded post-secondary institutions (the MASH sector) as well as corporations or entities owned or controlled by one of the preceding:

- \$75,000 or greater for goods
- \$75,000 or greater for services
- \$200,000 or greater for construction

The four provinces have committed to:

- Avoid measures that operate to restrict or impair trade between or through their territories, or investment or labour mobility between them.

- Treat businesses, investors, and workers of the other three provinces at least as favourably as they treat their own or those of another jurisdiction.
- Mutually recognize or otherwise reconcile unnecessary differences in their standards and regulations.
- Be fully transparent, and notify each other of any proposed measure that is covered by the Agreement. The objective is to ensure that new measures do not create new impediments.
- Having an enforceable dispute resolution mechanism that is accessible by governments, businesses, workers, and investors to ensure that each province lives up to its commitments.

1.1.3 Canadian Free Trade Agreement (CFTA)

The [Canadian Free Trade Agreement](#) (CFTA) replaced the Agreement on Internal Trade (AIT) on July 1st, 2017. The CFTA introduces important advancements to Canada's internal trade framework that enhance the flow of goods and services, investment, and labour mobility, eliminates technical barriers to trade, greatly expands procurement coverage, and promotes regulatory cooperation within Canada.

Under its direction, the University of Winnipeg is obligated to follow certain purchasing procedures to avoid creating barriers to free trade within the country (including provincial/local preference). In particular, under the terms of the CFTA, all purchasing opportunities meeting or exceeding established thresholds must be accessible to all Canadian suppliers through the use of electronic tendering systems or other means that satisfy the requirements of public advertisement (the University of Winnipeg uses Merx).

1.1.4 Freedom of Information and Protection of Privacy Act (FOIPPA)

The purposes of [FOIPPA](#) (the 'Act') are to make public bodies more accountable to the public and to protect personal privacy. FOIPPA accomplishes these purposes by:

- a) providing the public with a limited right to access records within a public body's custody or control; and
- b) setting rules for how a public body collects, uses, stores, discloses, and disposes of personal information

The provisions of the Act can affect the purchasing process and the way contract documents are drafted.

Persons engaged in purchasing activities on behalf of The University of Winnipeg should be aware of the implications of the Act and the importance of maintaining professionalism that results from these implications. Specifically, notes, emails, memos, letters, or any other documentation relating to a competitive purchasing process may become the subject of a Freedom of Information (FOI) request. FOI requests can be and have been made for information on tendering and administration of contracts at the University of Winnipeg. Any record so requested must be disclosed in its entirety unless one or more of the Act's exceptions to disclosure apply to all or part of the requested record(s). The University of Winnipeg's Office of the General Counsel administers the Act for all of the University of

Winnipeg. Consequently, any employee receiving a written request under the Act must forward the request to Counsel immediately.

FOI requests can often be avoided through established routine information disclosure processes. For example, many questions can be answered through a debrief or by way of routinely disclosing bid results, so long as the disclosure does not negatively impact the University of Winnipeg's or a third party's business interests.

In addition, the Act imposes obligations on how the University of Winnipeg can collect personal information as part of a competitive purchasing process. Specifically, the University of Winnipeg must obtain consent for the indirect collection of any personal information it requires as part of a competitive purchasing process. The University of Winnipeg's standard form purchasing documents include templates for use when the University requires personal information (e.g. employee resumes) to be part of a competitive process. This takes the form of a signed consent form that must be included in the tender package. The Office of the General Counsel can provide advice and direction for any FOIPPA-related issues.

1.2 Fairness and Transparency

The University of Winnipeg is committed to fostering a fair and competitive purchasing environment. To achieve this, Purchasing must hold itself to a high ethical standard in sourcing the goods and services the business requires and must comply with the University of Winnipeg's Purchasing Policy and Purchasing Policy Procedures. Additionally, the following principles need to be observed by all involved in purchasing for the organization:

- **Transparency:** Suppliers and the public need to be afforded fair access to information on the University of Winnipeg's purchasing opportunities, processes, and results.
- **Openness:** Whenever possible, in preparing documents soliciting competitive responses, requirements and/or specifications should not limit the competition to only one or two respondents.
- **Conflict of Interest:** If any party involved in purchasing for the University of Winnipeg (including an employee, service provider, or associate) is in a position to respond to a competitive purchasing opportunity, that party must be removed from involvement in and influence over that sourcing opportunity.
- **Disclosure:** If one of the potential respondents has been involved in previous phases, Purchasing should disclose the existence of an incumbent supplier to all potential respondents, generally in the competition document. As well, all potential suppliers should receive the same information that the incumbent supplier has received.

- **Confidentiality:** Upholding the principles of confidentiality protects competitive information provided by suppliers. All purchasing-related records and information shall be considered the University of Winnipeg's confidential information and will be treated accordingly under the University of Winnipeg's Privacy Policy.

1.3 Purchasing Services

Purchasing Services has the overall responsibility for policies, procedures, and guidance related to the University of Winnipeg's purchasing activities. Purchasing Services operates under the direction of the Vice President, Finance and Administration.

- Purchasing Services provides support and overall guidance to the University of Winnipeg under the direction of the Director of Purchasing reporting to the Comptroller and the Vice President, Finance and Administration.
- The Director of Purchasing Services implements, maintains, monitors compliance with, and advises on purchasing policy and procedures; provides guidance or decisions on contentious or difficult purchasing issues; provides overall support to the University's Purchasing staff; and owns and maintains the standard form purchasing documents.
- Purchasing Services provides end-to-end purchasing services including, but not limited to, competitive bid services and Purchase Order creation for the acquisition of goods and services.
- Purchasing Services establishes a financial control framework supported by the Purchasing Policy Procedures that documents the specific procedures and applications required to obtain financial approval.
- Customs and Brokerage – Purchasing Services should be contacted when goods cross the Canadian border. CBSA will work with the University's Customs Broker to ensure the goods are cleared expeditiously.

1.3.1 *Purchasing's Role*

Purchasing staff have diverse responsibilities. Such responsibilities may include any or all of the following duties:

- Determine appropriate purchasing quantities, delivery schedules, and requirements for assigned goods or services.
- Liaise with suppliers to trace and expedite material orders or service delivery.
- Review and determine quality and availability requirements.
- Prepare competitive purchasing documents and advertise opportunities, and invite suppliers to submit competitive tenders, quotations, proposals, or information-gathering documents.

- Evaluate, or facilitate the evaluation of, submissions for lowest total cost of ownership, best overall value to the University, and commercial and technical compliance.
- Procure material or services as a result of competitive bid submission analysis consistent with end-user needs, Purchasing Services policy, and purchasing guidelines.
- Chair tender/proposal evaluation meetings and product presentations, and interview suppliers.
- Provide guidance, training, and/or information on supply chain and purchasing requirements.
- Discuss and provide guidance, advice, and procedural or system training to enhance the efficiency and effectiveness of purchasing processes.
- Perform tactical functions required for the purchasing of goods or services by the University.

1.3.2 Sourcing

The University of Winnipeg's sourcing processes involves strategic and practical decisions that need to be made by Purchasing Services staff, often in consultation with the stakeholder department(s). As a whole, the sourcing process should be undertaken with the intent of fostering competition and achieving best value for the University by encouraging and gathering competitive responses (bids, quotes, proposals, tenders) from the supplier community. Therefore, decisions made in the sourcing process should generally support the goal of obtaining multiple competitive responses from qualified companies. This may include advertising opportunities as widely as necessary, or conducting information-gathering exercises in advance of competitions.

The University of Winnipeg's policy contains options to reasonably balance this goal with the time and effort expended on the sourcing process. The sourcing process takes time to be carried out correctly, but it is important not to bypass this step or attempt to abbreviate the process, as this may have negative effects on the competition, such as impacting respondents' decision to participate, affecting their perception of the fairness of the process, or increasing the risk to the University due to document or process errors.

The process is intended to achieve the best business decision for the University. Work is not to begin, nor are goods to be delivered, **until the applicable procedures have been followed, including all appropriate approvals.**

1.3.3 Department's Role

Department management is responsible for enforcing policy and correcting non-compliance issues within their business area. University departments all have a degree of in-house expertise to undertake certain purchasing aspects on behalf of their department.

2.0 Preparation and Purchasing Strategy

2.1 Receiving a New Purchase Request

When a purchase request is received, Purchasing Services will review the request for key information and recommendations from the requester. Where applicable, the requester should provide a Purpose, Scope of Work, and/or Technical Specifications to define the exact services required. This will form part of the competition document. Requesters can also suggest suppliers that may be used as invitees for invitational competitions or for direct awards, if appropriate.

A typical sourcing request may contain the following information:

- a) Scope of the initiative, timing, and value.
- b) A general description and estimated volumes and costs of the goods and/or services to be acquired. If applicable, breakdown of scope into work packages that indicate responsibility for prelim design, final design, supply, and installation.
- c) The purchasing risks and objectives, e.g. schedule, quality, etc.
- d) The purchasing options and process, e.g. type of purchasing (RFP or RFQ), contract packaging (number and composition of contracts).
- e) Identification of stakeholders and plan for engagement.
- f) A risk assessment of the options including consideration of physical, construction, economic (e.g. market assessment), and political/public risks and how these risks may be mitigated.
- g) The pros and cons of the proposed options.
- h) A summary of how the purchasing objectives will be met.
- i) List of reviewers and approvers.

2.2 Use of Formal Information-Gathering Mechanisms

Information-gathering mechanisms are useful for situations where the University of Winnipeg has incomplete information about either the material/service that it requires, or the capabilities of the market to deliver the material, service, or solution required.

The information gathered during either of these processes will help the University plan a fair and cost-effective solicitation process, define the requirements for the solicitation documents, or identify whether there are interested suppliers.

When informal research and information-gathering is insufficient, the following formal processes may be used where warranted, recognizing the time and effort required to conduct them, for the purposes described below:

Request for Information (RFI): The purpose of an RFI is to gather general supplier or product information. This mechanism may be used when the University is searching for a solution or material but has not yet determined what characteristics the ideal solution would have.

Responses to RFI questions normally contribute to the final version of a subsequent RFP and may include targeted questions about the required output/acquisition, seeking combinations of industry best practices, suggestions, expertise, and even concerns and additional questions from respondents.

Request for Expressions of Interest (RFEOI): The purpose of an RFEOI is to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism may be used when the University wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. Information collected can also facilitate selecting the best possible competition method for a follow-up competition.

RFI's and RFEI's are not competitions meant to result in the award of work; therefore, a correctly executed information solicitation process should not result in a legal contract with a respondent.

RFI's and RFEOI's should not ask for proprietary information from suppliers.

A response to an RFI or an RFEOI does not pre-qualify a potential supplier and does not influence their chances of being the successful proponent on any subsequent opportunity.

2.3 Selecting a Competition Level

This section outlines the University of Winnipeg's standards for determining the level and type of competition to be followed. Competition level is a fundamental way for the University to achieve value for money. The University's policies should be applied such that the cost of the purchasing process itself is reasonable given the value of the purchase.

2.3.1 Competition Limits

The level of competition that the University of Winnipeg seeks for a given purchasing need is determined by the cost of the acquisition. The three levels of competition are:

- Public Competition
- Direct Award
- Invitational Competition

The public competition thresholds are defined by the NWPTA (for MASH sector), and establish the value at or above which public competition must be followed except as allowed in Section 2.3.3. See table below.

| Sourcing Construction Services | Sourcing Non-Construction Services | Sourcing Goods |
|---|--|--|
| Public Competition Threshold \$200,000 and above Formal competitive process advertised on Merx | Public Competition Threshold \$75,000 and above Formal competitive process advertised on Merx | Public Competition Threshold \$75,000 and above Formal competitive process advertised on Merx |

2.3.2 Public Competition

A competitive sourcing process advertised publicly is the default purchasing method for the University of Winnipeg and must be used for all acquisitions at or above the public competition thresholds. Public advertisement must be done through MERX. To balance the effort of conducting a public competition with the potential value benefits of doing so, additional options (invitational competition and direct award), are available for opportunities valued below the public competition threshold. These are detailed below.

Direct Award

In accordance with the competition limits, the University of Winnipeg is permitted to engage a supplier directly without conducting a competition under the following circumstances, as evaluated by Purchasing Services:

- the total value of the acquisition is below the applicable public competition threshold;
- the University is reasonably certain that only one supplier is capable of meeting the requirements of the purchasing (this is considered a “sole source” situation and a justification form must be completed and submitted);
- an emergency exists and the requirement cannot be satisfied in time using a competitive sourcing mechanism;
- the acquisition is of a confidential or privileged nature and disclosure through an open bidding process could reasonably be expected to compromise confidentiality, cause economic disruption or be contrary to the public interest;
- the acquisition is for services provided by lawyers and notaries;
- no submissions were received in response to a public competition for the acquisition.

Although acquisitions up to the public competition thresholds can be made using direct award, recurring requirements that would add up to an amount above the applicable threshold should be combined and competed to achieve improved pricing, terms, or treatment with suppliers for these requirements. Likewise, Purchasing may conduct a competition for any requirement, of any value, at its discretion.

Invitational Competition

While not a requirement, invitational competitions may be used for opportunities up to the public competition thresholds where it makes sense to do so because a clear preferred supplier is not known, or to select a preferred supplier where pre-qualification has been undertaken following the public competition thresholds. In this process, Purchasing will seek a minimum of three competitive responses from which to choose a supplier. To identify invitees for an invitational competition, Purchasing may refer to supplier recommendations made by the requester, search the University's history of respondents or suppliers for similar acquisitions in the past, or conduct new research into the market, as necessary.

2.3.3 Selecting the Sourcing Mechanism

Request for Quotation (RFQ)

RFQ is used for basic quote gathering for goods and can also be used to conduct a competition among pre-qualified suppliers for goods or services if appropriate terms and conditions have already been signed. They should be used when quotations are sought are determined to be low value and low risk and a legally binding tender is not desired (no obligation for the University to enter into any contract with any supplier). When a quotation is accepted by the University it is confirmed by a Purchase Order

Request for Proposals (RFP):

RFP's are used where the University of Winnipeg's requirements cannot be well defined, or the University has an interest in seeking creative solutions from proponents and desires or needs the ability to be flexible on one, some or all evaluation criteria and to negotiate on at least some issues. RFP's can take significant back-end work negotiating and finalizing the contracts.

An RFP does not necessarily create contractual obligations between the University of Winnipeg and the proponents upon the submission of proposals, although it may.

The RFP process involves some level of uncertainty, since anything can be subject to negotiation to the extent allowed in the competitive solicitation documents and proponents can usually withdraw at any time. The concept of irrevocability does not normally apply in an RFP context so bid security is not usually asked for.

The evaluation criteria should be set before the issue of the advertisement of the opportunity. The basis for award in an RFP process is normally the highest score and best overall value to the University. In some situations, price may be given a lower weighting in the evaluation process and the best overall solution (including for example the scope, schedule, quality etc. of the offerings) may be weighted higher.

2.3.4 Engaging the Competition Teams

Purchasing Services is responsible for the creation of the evaluation team that will be involved in competition document creation and evaluation. Such a team will comprise

specialists required to address specific aspects of the purchase and participation will be highly dependent on the complexity and value of the goods or services to be procured.

The evaluation team may include people who act in any or all of the following capacities:

- a) **Purchasing Services:** Representatives of Purchasing Services may participate in sourcing planning, competitive document review or evaluation as required. Purchasing should escalate any purchasing-related issue to the Director of Purchasing Services for guidance and resolution, if required.
- b) **Representative(s) from the requesting department(s):** Requesters and other end users may want to be involved or may be required to provide expertise from the point of view of the end users and most impacted internal stakeholders.
- c) **Project Manager:** The Project Manager represents the interest of the project and should be recruited to the cross-functional team in the event that the acquisition in question is significant to the project or may in any way have substantial impact to the project.
- d) **Facilities Management:** Facilities may review the scope of work and participate in construction-related aspects of the evaluation.
- e) **Technical specialist(s):** Technical specialists (e.g. IT, AV Systems, Researchers, or Department Heads), may participate in preparing the specification and conducting technical aspects of the evaluation. Technical specialists' involvement generally continues for the duration of the contract.
- f) **General Counsel:** Legal must be engaged to address changes made to standard form documents or to review any non-standard document used. They may also be required to comment on compliance of competition responses, to resolve disputes and to advise on the legal process of competing and awarding contracts.

Directors and employees will perform their duties conscientiously and will not put themselves in a position in which their private interests and those of the University of Winnipeg might be perceived to be in conflict. Thus, individuals approached to be on the cross-functional team or bid evaluation team must avoid conflicts of interest between their interests and the University's by declaring such relationships. Any individual with a non-arms-length relationship with a Respondent may not sit on the evaluation team.

2.3.5 Drafting the Competitive Purchasing Documents

Care should be taken during the drafting of competitive documents to limit the number of procedural pass/fail requirements (i.e., "shall" or "must" terminology), as these increase the likelihood that responses will be non-compliant and the risk that an otherwise advantageous response may be eliminated for procedural reasons. Failure to meet a mandatory requirement will cause a submission to be set aside for rejection.

In writing the competition documents, use plain language; be as short, clear and concise as possible. To avoid error state all times and dates only in a single place. Do not repeat them.

Specifications/Statements of Work are generally contract-specific, although standard specifications are used to procure certain types of goods or services. Technical information and input from cross-functional team members (e.g. Project Manager, Researcher and other technical specialists, Facilities, and Purchasing) must be incorporated in consistent purchasing terms and coordinated such that requirements are included in the appropriate part of the tender documents (e.g. no commercial requirements are to be included in the Specifications), and do not result in contradictions within the document.

It is important that Purchasing Services fully understands the scope of work for the contract and associated risks to ensure that the identified risks are addressed in the contract documents. Purchasing has responsibility for the preparation and completeness of the tender and for ensuring that input is obtained from cross-functional team members, as appropriate.

2.3.6 Scope of Work Language

Shall: The word shall is used to indicate mandatory requirements to be followed strictly to conform to the standard and from which no deviation is permitted (*shall equals is required to*).

Must: The word *must* should not be used when stating mandatory requirements. *Must* should be used only to describe unavoidable situations. In any event, purchasing documents should use only one of “shall” or “must” to state mandatory requirements and not use these terms interchangeably.

Will: The word *will* should not be used when stating mandatory requirements; *will* should only be used in statements of fact.

Should: The word *should* is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others. It can also be used to indicate that a certain course of action is preferred, but not necessarily required. In the negative form, it can be used to indicate that a certain course of action is deprecated but not prohibited (*should equals is recommended that*).

May: The word *may* is used to indicate a course of action permissible within the limits of the standard (*may equals is permitted to*).

2.3.7 Providing additional information in the form of Reference Information

The objective of including reference information with competitive purchasing documents is to provide as much information as possible to respondents to support their understanding of the work, but without taking responsibility for its accuracy.

If any reference information or documents are to be disclosed with competitive purchasing documents were prepared for a particular purpose (e.g. design rather than construction) the purpose should be disclosed and any limitations on the use of such information described.

At times, due to the extensive nature of the reference information or difficulty including it with the competitive purchasing documents (i.e. it may not be electronically legible such as legacy drawings), arrangements should be made to view the information during the competitive purchasing period. In such cases, the information available for viewing will be listed in the documents.

The reference information appendix should include a qualifier that the University of Winnipeg is not responsible for its accuracy and that the respondent should not rely on the reference information to any greater extent than is appropriate given the respondent's own investigations and the particular circumstances.

2.4 Advertising and Communication with the Market

The University of Winnipeg's communication practices during a competitive process must follow accepted practice to uphold the principles of fair, open and transparent dealings, to encourage a maximum competitive response and to ensure that suppliers have a positive experience in dealing with the University. This section details the standards and required conduct for outward communication with the market during purchasing.

2.4.1 MERX

The University of Winnipeg's standard for communicating competitive purchasing opportunities to the market is MERX. MERX is Canada's leading electronic tendering service providing vendors and clients a secure electronic bid depository where documents can be exchanged.

The University of Winnipeg advertises opportunities publicly by uploading electronic documents in PDF format to the web portal. The subscribers can download the competitive bid documents from the websites and also request that they be notified of any amendments to these documents. Copies of the purchasing documents cannot be ordered directly from the University of Winnipeg contact person identified in the RFX documents.

Where an invitational tender/ RFP is required, a similar process is used; however, instead of public advertisement of the opportunity, selected suppliers are identified and invited to participate.

2.4.2 Submission Response Time

Sufficient time must be given to suppliers to prepare and submit responses; Purchasing must use discretion to promote open competition without unduly restricting response time. Generally, a minimum response time of 14 calendar days for goods valued at or over \$75,000 and services valued at or over \$75,000 should be allowed for supplier responses, while a minimum of 30-60 calendar days is generally appropriate for purchasings assessed as complex/high-risk purchasings, including alternative service delivery. Additional consideration should be given to standard holiday times or other periods of reduced

activity as respondents are likely to be on holiday staffing levels, which may limit their ability to produce a competitive submission.

2.4.3 Communication with Respondents During Competition

The period from the date the competitive purchasing documents are issued until the Closing Time is commonly referred to as the “blackout period.” During the blackout period in all competition situations, all communication with suppliers involved in the process must occur formally, through the Purchasing channel described in the documents. During the blackout period, the competitive purchasing documents may be clarified or modified through the use of one of two types of documents:

a) An Addendum

An addendum is prepared if modifications to the competitive purchasing documents are necessary (e.g. amending, adding, or deleting information due to errors, conflicts, or deficiencies in the documents). An addendum may modify the documents by:

- Inserting new, revised or repaginated pages;
- Inserting new or revised drawings;
- Deleting pages or drawings;
- Inserting pages that were inadvertently omitted from the tender documents.

Addenda should be issued at least 5 working days prior to the Closing Time. If a significant addendum is issued close to the Closing Time, an extension to the Closing Time should be considered taking into account the required schedule.

b) A Question and Answer (Q&A) Series

Purchasing receives all questions from prospective respondents. A Q&A response is prepared if clarification of the documents is required without the need to modify the tender documents. Any answer that results in a change to any aspect of the competitive purchasing documents must be addressed by making corresponding modifications to the documents by addenda. Purchasing prepares a Q&A and obtains answers from the appropriate specialists.

Generally, for long-form documents, questions are requested to be submitted no less than 7 days prior to the Closing Time, although questions will be considered after that and, if warranted, consideration will be given to extending the Closing Time taking into account the project schedule. The objective is to ensure that all respondents receive as much relevant information as possible.

Addenda and Q&A Series are posted to MERX and made available to all potential respondents.

2.4.4 Site Visit

Should any site visit be planned, Purchasing Services will make arrangements with the site personnel (e.g. Facilities, Planning, department) and ensure that all safety, security and other issues are addressed.

Purchasing normally receives the requests to attend the site visits. All site visits are conducted in accordance with the Site Visit protocol outlined within the RFP documents. If a representative from Purchasing does not attend, clear instructions related to communication guidelines must be given to the delegated University representative.

If a site visit is mandatory, this criterion must be clearly identified in the RFP and adequate time and access given to all potential respondents. It must also be noted that submissions will only be accepted from those who have attended the mandatory visit (thus, careful consideration should be given to whether the site visit is, in fact, a strict requirement). Purchasing (or the delegate) is responsible for recording and maintaining a list of all site-visit attendees to ensure compliance.

The University representative in charge of the site visit should commence the site visit with a description of the work and the competitive process. It should be stated clearly that the site visit is for information purposes only, that respondents must rely on the documents, and that any discussion at the site visit is off the record. All Q&A's are documented and issued as a Q&A series later, if necessary. Should clarification be required, questions should be submitted in writing in accordance with the process established in the RFP.

2.4.5 Conduct During Competitive Purchasing Period

The University of Winnipeg will not release any information received from a potential respondent, including any pricing information during the blackout period. This reduces the ability of potential respondents to understand each other's pricing structures and protects the integrity of the process. In a closed bid situation (i.e. where sealed submissions are received and not opened until after the Closing Time), this is not generally an issue.

In any situation, University employees should not receive response packages directly from respondents, and instead, respondents must deliver their responses to the location defined in the RFP document by the Closing Time.

2.4.6 Receipt of Responses

Responses must be submitted by the closing time specified in the RFP document. Ensure that the closing date is set on a normal working day (Monday to Friday, excluding holidays). Submissions which are delivered after the closing time will not be considered. The Proponent must deliver its Proposal and any amendments in digital format by email to purchasing@uwinnipeg.ca or by hard copy to the Mailroom, if requested.

Purchasing will review the submissions and provide copies to the Evaluation Team. The original copy of the submission is retained within the Purchasing Services. Purchasing will

verify that all documents are distributed for evaluation in accordance with the approved evaluation protocol.

2.5 Evaluation of Responses

2.5.1 Evaluation Scoring Sheet

Prior to closing, Purchasing Services, in consultation with the project manager or end-user, prepares the Evaluation Scoring Sheet. This sets the stage for the evaluation and must be complied with to ensure the integrity of the process. Depending on the complexity of the contract, the evaluation protocol may require senior management approval. The protocol includes:

- evaluation team members;
- mandatory requirements;
- finalized evaluation criteria and scoring system;
- negotiation strategy, if applicable;
- other contract specific items.

An Evaluation Scoring Template is available to plan and coordinate the evaluation team and process. The template should be used to prepare a set of evaluation criteria specific to the competition based on the University's standards.

2.5.2 Evaluation

Before beginning evaluation, it must be determined whether submissions are compliant or not as only compliant submissions will be evaluated. Non-compliant submissions are set aside for rejection.

Evaluation team members prepare independent evaluations covering their areas of expertise, as identified in the evaluation protocol. Evaluators should focus on the sections of responses that they have been assigned to evaluate and should conduct their assessments confidentially.

The evaluation team members enter their scores into the scoring spreadsheet, and results are reconciled to arrive at a single final evaluation matrix, which ranks the submissions. If all submitted prices are above the estimate, Purchasing advises the Project Manager or end-user. If additional funds are made available, the evaluation proceeds, if not, the process may be canceled.

If there is a significant change in the scope required to meet the budget, the purchasing process should be canceled and the opportunity re-tendered (with a revised scope), with direction from the Director of Purchasing Services.

If the highest-ranked submission is acceptable, the contract is usually awarded to this respondent. Before entering into a negotiation, and if required, a negotiation strategy may be developed and reviewed with the project lead.

If all submissions are non compliant, the competition must be collapsed. Following the collapse, options include:

- beginning the competition anew; or
- initiating discussions with any supplier with the involvement of Purchasing Services. Candidates for these discussions will be notified as soon as possible of the commencement of such discussions.

Any respondent whose submission is set aside for rejection during the evaluation process will be notified of the rejection in writing as soon as practicable after the completion of the evaluation.

Except for any pricing that was made publicly available at the time of a public opening, all submission evaluation details must be treated as confidential information.

Records of evaluation scores are auditable. Evaluators should be aware that everything they say or document must be fair, based on fact and fully defensible. Section 2.6.3 guides supplier debriefing following tender award.

Things to Remember During Evaluation:

- 1) Always treat Applicants, Respondents or Bidders equally.
- 2) Do not apply undisclosed criteria.
- 3) Document the evaluation process well including keeping notes on each submission that are readable and clear and do not contain comments on anything other than the evaluation criteria.
- 4) Never mark "intuitively." Use the evaluation criteria established and apply them.
- 5) If building consensus among the evaluation team, be sure to compare the consensus to the original scores and ensure significant discrepancies are understood and justified.

2.6 Negotiation and Contract Award

2.6.1 Tender Award

Once the award recommendation is approved under an RFx process, Purchasing Services will notify the successful bidder in writing.

2.6.2 RFx Negotiation and Award

Once the award recommendation is approved under an RFP process, negotiations are initiated with the lead respondent. Should negotiations with this party fail, the process should be terminated with that respondent, and negotiations may commence with the next highest-ranking respondent, or the process terminated and re-tendered.

2.6.3 Debriefing

Once the contract award has been made, Purchasing will send regrets in writing to the unsuccessful respondents as soon after the award as practical. The notification should include offers to meet with the respondent to discuss their submission and reasons why it was not successful. It is important to recognise that the participation of a respondent in a competitive process has a cost associated with it and all respondents should be treated with respect. Respondents are entitled to receive feedback on their submissions and it is to the University's advantage to encourage them to participate in future competitive purchasing processes and to provide improved submissions in the future.

Debriefings need to be managed with sensitivity and are normally arranged and chaired by Purchasing Services. The strengths and weaknesses of the submission in question should be reviewed and pointers provided on how future submissions could be improved may be given. No information on other bids or any confidential information is to be disclosed.

2.6.4 Cancellation

The University may cancel the competition if a business decision is made to do so. Examples of when a competition may be canceled may include:

- 1) If all pricing is above the estimate,
- 2) If no submission is deemed adequate (i.e. no submission appears to be viable or no submission meets the University's minimum requirements stated in the solicitation document for that competition), or
- 3) If collusion is suspected.

If cancelled or collapsed, respondents will be notified in writing.

2.6.5 Contract Administration

All purchasing of goods and services by the University of Winnipeg, and the resulting contract, must be responsibly and effectively managed. When administering a contract with a supplier, it is important to ensure agreements are kept up to date and relevant including through the use of supplementary agreements or Equitable Adjustments as required, and that supplier eligibility is upheld (e.g. insurance requirements are continuously met).

2.6.6 Change Orders

When the University and a supplier agree to any significant amendment to an active contract, a Change Order is required to formalize the change in the agreement. Changes may include the addition of activities to the scope of a project, or the extension of a supply contract to cover an additional period of time not detailed in the original order. If a change order results in a deviation from University's Purchasing Policy (e.g., additional costs cause the total value of the contract to exceed the competition threshold used), a request in writing must be submitted in advance of the

change. Change Orders allow the University to accurately track commitments and enable correct reconciliation of invoices.

2.6.7 Payments

To enable proper and timely reconciliation of supplier invoices, the University must formally acknowledge receipt (for goods) or complete payment approvals (for services). Invoices will only be paid after they have been reconciled with a valid Purchase Order.

All payments must be in accordance with the provisions of the agreement with the supplier (the contract). Therefore:

- payments will be made according to the payment terms of the contract;
- work needs to be monitored appropriately for the approval of progress payments or milestones; and,
- overpayments must not occur.

Conclusion

Purchasing Services' goal is to conduct purchasing activities that balance achieving best value with the objectives of a fair, transparent, and competitive process. The likelihood of a successful purchasing process can be enhanced by using standard University of Winnipeg purchasing processes and tools consistently and correctly.

Glossary of Terms

Blackout Period: A period of time during a competitive process where outward communication regarding the opportunity being competed is highly restricted. The period begins when the competition opens and ends at the Closing Time.

Cancellation: Exercising a business decision to not complete the competition process (at any stage up to award), due to, for example, market inability to meet University requirements, changes in those requirements or other changing situations.

Closing Time: Deadline date and time by which all competitive submissions must be received at the submission location.

Collapse: Action taken to halt a competitive process before completion due to an occurrence that is irreparable and continuation of the process is not possible.

Contract A: A term of Canadian purchasing law, the Contract A (bid contract) is generally formed when a respondent submits a compliant bid in response to a request for competitive submissions (usually under a request for tenders, but may also arise under other purchasing processes).

Contract B: A term of Canadian purchasing law, the Contract B (performance contract) is formed when the University of Winnipeg formally awards work to the successful respondent, usually by award letter or execution of a contract.

Direct Award: Any award to a supplier without undertaking a competitive process.

Proponent: A respondent to a Request for Quotation, Proposals, etc. (RFx)

Respondent: A generic term for a party providing a submission in response to a competitive opportunity. This term encompasses bidders, proponents, tenderers and quoters.

Sole Source: A situation where only one supplier exists that can provide the goods/services required, e.g., proprietary software or OEM part replacements. Such situations generally justify direct award.